

NOV 28 2003

PTO/SB/30 (10/01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provided for continued examination of a utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/423,126
Filing Date	November 5, 1999
First Named Inventor	Buchter-Larsen, et al
Group Art Unit	1638
Examiner Name	R. Kallis
Attorney Docket Number	674509-2020

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under CFR 1.114.

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on ____
(Any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on ____
- iii. ☐ Other ____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☒ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ Other ____

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2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of ____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(l) required)
- b. ☐ Other ____

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge any additional fees, or credit any overpayments, to
Deposit Account No. 50-0320. 12/02/2003 SZEWDIE1 00000027 09423126
- b. ☒ Check in the amount of \$385.00 is enclosed for the following:
- i. ☒ RCE fee required under 37 CFR 1.17(e) 01 FC:2801 385.00 DP
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other ____
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Thomas J. Kowalski Anne-Marie C. Yvon	Registration No. (Attorney/Agent)	32,147 52,390
Signature	<i>Thomas J. Kowalski</i>	Date	November 24, 2003

CERTIFICATE OF MAILING OR TRANSMISSION

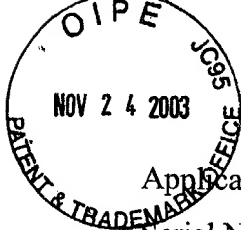
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Name (Print/Type)	<i>Charles J. Johnson</i>	Date	November 24, 2003
Signature	<i>Charles J. Johnson</i>		

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PATENT
674509-2020

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Buchter-Larsen *et al.*
Serial No. : 09/423,126
For : A PROCESS FOR PREPARING AN ANTI-OXIDANT
Filing Date : November 5, 1999
Group Art Unit : 1638
Examiner : R. Kallis

745 Fifth Avenue, New York, NY 10151

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Date of Deposit: November 24, 2003

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Charles Jackson
(Typed or printed name of person mailing paper or fee)

[Signature]
(Signature of person mailing paper or fee)

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**AMENDMENT AND RESPONSE TO OFFICE ACTION
WITH REQUEST FOR EXTENSION OF TIME**

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

Dear Sir:

This is in response to the Office Action dated May 23, 2003, having a three-month term for reply. This Amendment accompanies a Request for Continued Examination.

PETITION FOR EXTENSION OF TIME

Pursuant to 37 C.F.R. §1.136(a), a three-month extension of the period for reply, *i.e.*, up to and including November 24, 2003, as November 23 was a Sunday, is requested. A check for \$475.00, in payment of the fee under 37 C.F.R. §1.17(a) for a small entity, is enclosed. The Commissioner is hereby authorized to charge any additional required fee for this extension of time, or any other fee occasioned by this paper, or to credit any overpayment in such fees, to Deposit Account No. 50-0320.

12/02/2003 SZWDIE1 00000027 09423126

02 FC:2253

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AMENDMENT

Please amend the application without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents, as follows.

In the Claims

- 1-39. (Cancelled)
40. (New) A method for increasing anhydrofructose levels *in situ* in a plant or part thereof, the method comprising expressing recombinant glucan lyase in the plant or part thereof, wherein the glucan lyase acts on a glucan substrate present in the plant or part thereof to yield increased levels of anhydrofructose in the plant or part thereof.
41. (New) The method of claim 40, wherein the plant or part thereof is used in the preparation of a foodstuff or is a foodstuff.
42. (New) The method of claim 40, wherein the glucan lyase has any one of the sequences shown as SEQ ID NOs:1-6.
43. (New) The method of claim 40, wherein the glucan lyase is encoded by any one of the sequences shown as SEQ ID NOs:7-12.
44. (New) The method of claim 40, wherein the glucan lyase is encoded by SEQ ID NO:7.
45. (New) The method of claim 40, wherein the glucan lyase has at least 75% identity to the sequence shown as SEQ ID NO: 1.
46. (New) The method of claim 40, wherein the glucan lyase has at least 85% identity to the sequence shown as SEQ ID NO: 1.
47. (New) The method of claim 40, wherein the glucan lyase has at least 90% identity to the sequence shown as SEQ ID NO: 1.
48. (New) The method of claim 40, wherein the plant or part thereof is a fruit or a vegetable.
49. (New) The method of claim 40, wherein the plant is all or part of a grape.
50. (New) The method of claim 40, wherein the plant is a potato.
51. (New) The method of claim 41, wherein the foodstuff is a beverage.
52. (New) The method of claim 51, wherein the beverage is an alcoholic beverage.
53. (New) The method of claim 51, wherein the beverage is wine.